From: "Flannery-Keith, Erin" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE;GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5BD351C4E79145438B3FA7A4CEF79665-FLANNERY,ERIN>

To: <u>Hamilton</u>

Karen; Kaiser

Russell

CC: "Downing, Donna" < Downing.Donna@epa.gov>

"Christensen, Damaris" < Christensen. Damaris@epa.gov>

"Hudiburgh, Gary" < Hudiburgh. Gary@epa.gov>

Date: 12/3/2014 7:10:15 AM

Subject: RE: Question on waste treatment exclusion and jurisdiction of adjacent wetlands.

Attachments: AM-06-B-01 rv1[1].pdf

Climax Mine Presentation to EPA 10-06-14.pdf

Location Map 201300045.pdf AJD Narrative-201300045.pdf

Approved JD Form 201300045.pdf
McNulty Gulch Facilities Narrative.pdf

Here are several maps and other documents that Toney and Erin Perkins have shared with us.

-Erin

Erin Flannery Keith
U.S. Environmental Protection Agency
Office of Wastewater Management
Water Permits Division
1200 Pennsylvania Ave. NW MC 4203M
Washington, DC 20460
flannery-keith.erin@epa.gov

202-566-0689

From: Hamilton, Karen

Sent: Wednesday, December 03, 2014 8:00 AM

To: Kaiser, Russell

Cc: Flannery-Keith, Erin; Downing, Donna; Christensen, Damaris; Hudiburgh, Gary

Subject: Re: Question on waste treatment exclusion and jurisdiction of adjacent wetlands.

I asked Toney to forward the maps. She may have sent them to Erin but I don't remember. Whoever can get them to Russ, please do. I would appreciate it if someone would please set up a meeting - preferably not t- weds noon which is OW review time.

Karen Hamilton EPA Region 8 1595 Wynkoop St Denver, CO 80202 303 312 6236

Tiny keyboard! Please forgive terse replies and misspellings.

On Dec 3, 2014, at 6:50 AM, Kaiser, Russell < Kaiser.Russell@epa.gov > wrote:

<image001.gif>

Thanks Erin – I would certainly be up for a call but would like to see some diagrams first, as noted below...

Russell L. Kaiser Chief, Wetlands & Aquatic Resources Regulatory Branch 1301 Constitution Ave., N.W. Room 7217M West Bldg. Washington, DC 20004

P: 202.566.0963

From: Flannery-Keith, Erin

Sent: Tuesday, December 02, 2014 11:15 AM

To: Kaiser, Russell; Hamilton, Karen; Downing, Donna; Christensen, Damaris

Cc: Goodin, John; Hudiburgh, Gary

Subject: RE: Question on waste treatment exclusion and jurisdiction of adjacent wetlands. ex. b5 - deliberative

Gary and I talked to Karen and Erin in Region 8 about this a few weeks ago, and

If there is another call on this, we would be

happy to join.

Thanks, Erin

From: Kaiser, Russell

Sent: Monday, December 01, 2014 7:42 AM

To: Hamilton, Karen; Downing, Donna; Christensen, Damaris

Cc: Flannery-Keith, Erin; Goodin, John

Subject: RE: Question on waste treatment exclusion and jurisdiction of adjacent wetlands.

ex. b5 - deliberative

Yes, I agree that we should talk... I know donna is in training tues-thur and on cdo today. Friday would work for me but I will need donna to weigh in...

I am not surprised by corps position below – in the past, it has been interpreted that a WTE could not sever jurisdiction with the upstream waters and I have

I look forward to learning more about the specifics of the case...

Note that I have also included Erin on the chain as she was a WD ORISE on the jurisdiction team and currently works with the WTE in Brian Frazer's office... Thus, I would be very interested to hear her thoughts on the case as well...

Thanks!

Happy Holidays!!!

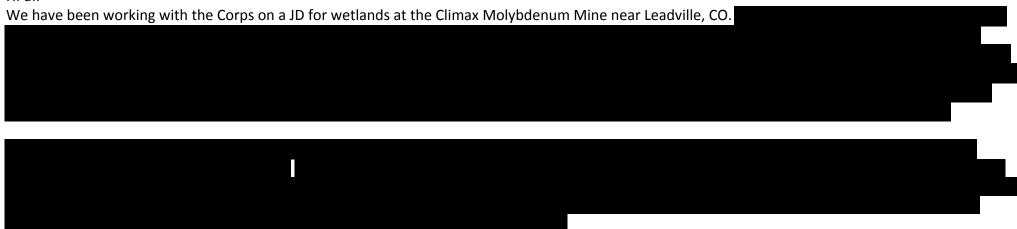
Russell L. Kaiser Chief, Wetlands & Aquatic Resources Regulatory Branch 1301 Constitution Ave., N.W. Room 7217M West Bldg. Washington, DC 20004 P: 202.566.0963 From: Hamilton, Karen

Sent: Wednesday, November 26, 2014 1:54 PM

To: Kaiser, Russell; Downing, Donna; Christensen, Damaris

Subject: Question on waste treatment exclusion and jurisdiction of adjacent wetlands. ex. b5 - deliberative

Hi all



I know you all are overwhelmed with WOUS but if we could have 20-30 mins to talk through this with you and how to put it in writing for the Corps, given the expected appeal and lawsuit, it would be great. We will be meeting with the Corps again on the 17th of December.

Thanks and Happy Thanksgiving!

Karen

Karen Hamilton Chief, Aquatic Resource Protection and Accountability Unit US Environmental Protection Agency Region 8 1595 Wynkoop St. Denver, CO 80202 303 312 6236

Protect our Nation's waters

From: Perkins, Erin

Sent: Wednesday, November 26, 2014 7:52 AM

To: Hamilton, Karen

Subject: RE: Please articulate what we need the program to answer on climax

Hi -

ex. b5 - deliberative

We need to find out from HQ (Russ/Donna and OGC) whether

If you could contact Russ and Donna and let them know that we need to get an answer to that question, I can get in touch with OGC. If Russ and Donna are available while you're out next week, I can talk with them if they have time and you are OK with me talking with them w/o you...

We also need to know whether they will be OK with us opining on this in writing and in what format.

Thanks!

Erin

From: Hamilton, Karen

Sent: Tuesday, November 25, 2014 2:47 PM

To: Perkins, Erin

Subject: Please articulate what we need the program to answer on climax

And I'll get it going.